

RESOLUTION 2022-43

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, upon review and discussion, the Personnel Committee of the Board of Directors has recommended revisions to the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources; and

WHEREAS, the Board of Directors has reviewed and considered the said policy revisions and additions to the BCVWD Policy and Procedures Manual, and finds the policies relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

- 1. The BCVWD Policies and Procedures Manual Sections:

Table with 2 columns: Policy Section, Description. Rows include Part 1 Personnel, Policy #25 (Family and Medical Leave), Part 1 Personnel, Policy #26 (Pregnancy Disability Leave), Part 3 Operations, Policy #2 (Emergency Response Guideline for Hostile or Violent Incidents), and Part 3 Operations, Policy #6 (Budget Preparation).

are hereby replaced in entirety with the policies attached hereto as Exhibit A

- 2. The BCVWD Policies and Procedures Manual is hereby amended to include new sections:

Table with 2 columns: Section Number, Description. Rows include 3096 (Lactation Accommodation) and 3111 (Leave for Crime Victims and Family Members).

Attached hereto as Exhibit B

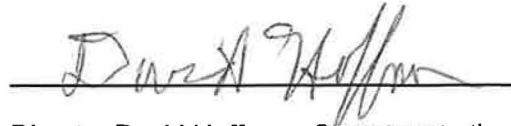
ADOPTED this 14 day of December, 2022, by the following vote:

AYES: Hoffman, Covington, Stawson, Ramirez, Williams
NOES:
ABSTAIN:
ABSENT:



Director Lona Williams, President of the Board of Directors of the  
Beaumont-Cherry Valley Water District

ATTEST:



Director David Hoffman, Secretary to the Board of Directors of the  
Beaumont-Cherry Valley Water District

Attachments:

Exhibit A

1	Policy 3090	Family and Medical Leave
2	Policy 3095	Pregnancy Disability Leave
3	Policy 5010	Emergency Response Guideline for Hostile or Violent Incidents
4	Policy 5030	Budget Preparation

Exhibit B

5	Policy 3096	Lactation Accommodation
6	Policy 3111	Leave for Crime Victims and Family Members

**POLICY TITLE: FAMILY AND MEDICAL LEAVE**  
**POLICY NUMBER: 3090**

## **EXHIBIT A 1**

3090.1 The District complies with the California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 **Leave Benefit.**

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year for the following reasons:
  - a. The birth of a child or placement of a child with the employee for adoption or foster care.
  - b. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, or parent who has a serious health condition.
  - c. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, except for leave taken for disability related to pregnancy, childbirth, or related medical conditions.
  - d. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active duty status.
2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
3. To be eligible for leave under the CFRA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave, as permitted by law.
4. If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if otherwise eligible) for the birth, adoption, or foster placement of a child.
5. Employees taking CFRA will be required to use all available paid time off (e.g. vacation, floating holidays, etc.) during any CFRA leave as permitted by law. Sick leave may run concurrently with CFRA leave, however employees are not required to use sick leave to cover a CFRA leave in

connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during a CFRA leave of absence. If a holiday falls during a CFRA leave of absence, the employee will not receive holiday pay (Policy 3070).

6. Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.
7. At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

#### 3090.4 **Employee Obligations**

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least 30 days prior written notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.
2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their condition. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her designee may require a third opinion from a mutually agreed upon health care provider.
3. CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for their share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on CFRA leave to report periodically on his/her status and intent to return to work.

#### 3090.5 **Designation of CFRA Leave**

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources will request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the

employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

#### 3090.6 **Definitions**

1. **Serious health condition:** an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. **Child:** a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing *in loco parentis*.
3. **Parent:** a biological, adoptive, step or foster parent, a legal guardian or any individual who stood *in loco parentis* to the employee when the employee was a child.
4. **Qualifying exigency:** events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

3090.7 **Leave Interactions.** Should the District offer FMLA leave at a future date, FMLA leave will in many instances run concurrently with CFRA leave.

**POLICY TITLE: PREGNANCY DISABILITY LEAVE**  
**POLICY NUMBER: 3095**

## **EXHIBIT A 2**

3095.1 Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth, or related medical conditions, the employee is eligible to take a Pregnancy Disability Leave (PDL). If the employee is affected by pregnancy or a related medical condition, it may be an option to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

3095.2 **Length.** The PDL is for any period(s) of actual disability caused by an employee's pregnancy, childbirth, or related medical condition up to 4 months per pregnancy. For the purpose of this policy, 4 months means the number of days the employee would normally work within four calendar months (one-third of a year equaling 17 1/3 weeks), if the leave is taken continuously, following the date the pregnancy leave commences.

1. The PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis.
2. Time-off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by a PDL.

3095.3 **Reasonable Accommodation.** The District provides reasonable accommodations, to the extent required by law, for conditions related to pregnancy, childbirth, or related medical conditions. In addition, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting leave or reasonable accommodation should promptly notify Human Resources.

3095.4 **Compensation.** Generally, the District is required to treat pregnancy disability the same as other disabilities of similarly situated employees. The PDL will be unpaid.

1. Accrued paid sick leave must be used concurrently with leave taken under this policy. An employee may choose to use any accrued vacation as part of pregnancy disability leave before taking the remainder of leave as an unpaid leave. The employee may also be eligible for State Disability Insurance for the unpaid portion of leave.
2. Taking a PDL may impact certain of the employee's benefits or seniority date. If an employee wants more information regarding eligibility for a leave, the impact of the leave on seniority and benefits, and the District's policies for other disabilities, the employee should contact Human Resources.
3. An employee returning from an approved PDL of 4 months or less will be reinstated to the same position or to a comparable position under circumstances allowed by law. The only exception is if the employee's position is eliminated.

3095.5 **Benefits.** The District will maintain health coverage during leave under this policy on the same terms as if the employee had continued to work. If applicable, the employee must make arrangements to pay the employee's share of health plan premiums while on leave.

3095.6 **Requirements.** The employee may be required to obtain a certification from a health care provider that

the employee is disabled due to a pregnancy-related condition, or the medical advisability for a transfer. The certification should include:

1. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer.
2. The probable duration for the period(s) of disability or the period(s) for the advisability of the transfer.
3. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of the position without undue risk to oneself, the successful completion of the pregnancy, or a statement that, due to the pregnancy, the transfer is medically advisable.

**POLICY TITLE: EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS**  
**POLICY NUMBER: 5010**

5010.1 **Purpose of the Policy.** To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents, including possible armed intruders or related threats on District facilities or properties.

5010.2 **Background.** The potential for hostile or violent incidents in District facilities or operational locations always exists. Recent incidents involving armed intruders have increased in frequency, involving injuries and deaths at government institutions, offices, and educational facilities. Often, an intruder is a person who is an ex-employee, customer, or person known to the agency. The person often is upset at an event or a person who works at the facility. However, armed intruders can be any person with or without a prior relationship with the District or its officers and employees.. Incidents involving armed intruders escalate to include multiple persons and potentially take hostages, including District customers.

5010.3 Threats of these types and risks are to be considered extreme emergencies and the safety and well-being of employees and/or customers is the highest priority.

5010.4 **Response to an Incident.** Any evidence of exposure to a hostile or violent person or situation in District facilities or operating areas should be taken seriously. Any District Director or employee observing or sensing that a violent or hostile situation is occurring or threatened should consider taking precautionary and safety actions. Any event resulting in awareness of a possible violent act, including gunfire, explosion, fighting, or scuffling, could indicate an incident of violent potential. Any employee observing such potential activities should take steps to protect themselves and others on the District premises, including but not limited to:

1. **Communication.** Attempt to communicate the situation to everyone in the facility using telephone, paging, email, and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.
2. **Types.** Since different types and levels of workplace violence may require various responses, establishing basic information on the type of event is essential. Examples are:
  - a. **Gunfire.** Awareness of gunfire in the facility should result in evacuation to the extent possible. If not possible, securing of rooms or offices and informing others by phone or email is encouraged. Calling emergency resources via 911 is imperative once it is safe to call. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
  - b. **Explosion.** An explosion could occur naturally or with violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation following established fire safety procedures. Response to a planned location is essential, so safety personnel can determine who is out of the facility.
  - c. **Physical Threat/Bomb Threat.** Awareness of a telephone or in-person threat to the facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as it is safe to do so is imperative.
  - d. **Situations involving hostages.** If a possible hostage incident is known, evacuation of the facility is paramount to the safety of persons in the area. Contact 911 as soon as it is safe to do so.



**e. Irate Customer/Threat at Counter or Meeting.** When anyone threatens an employee or customer at a District facility in a manner causing fear for safety, take action to summon public safety personnel by calling 911 should be taken. In no way should steps be taken to physically confront or subdue such a person except in defense of life. If a volatile situation occurs at a Board of Directors or other public meeting, the person chairing/hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In a threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.

5010.5 All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, notify a supervisor or the General Manager as quickly as possible, or call 911 when an active incident is occurring. If an assessment of a possible threat is needed, the General Manager or ranking staff person shall be notified for considering the validity of the threat or safety risk. Public safety agencies shall be contacted by 911 whenever a perceived threat is considered valid.

5010.6 **Planning for Emergency Incidents.** Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include but are not limited to:

1. Preparation of a facility evacuation plan for each room. Post the plan at each doorway and hallway exit. Have a safe area zone for staging.
2. Procedures to secure the facility in a hostile or violent incident for both exterior and interior doors.
3. Develop an emergency notice code for intercom, email, and radio to facility and District staff. Use of a Code "Red" is recommended.
4. Develop a radio communication alert code "Red" to notify other District staff so they will not return to the facility during the incident until cleared to do so by public safety personnel.
5. Training of all personnel in dealing with customers, employees, and other persons in aggravated situations and how to identify and assess potential threats or volatile situations. All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.

5010.7 **Actions for Violent or Armed Threat Situation.** The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency condition. Actions could include some or all of the following:

1. Notify your supervisor or General Manager and other staff immediately if a threat is received but not actively in progress. If validated, contact public safety by calling 911 immediately.
2. The General Manager or ranking staff member shall evaluate the situation and consider appropriate actions, including shutting down operations, evacuation, and/or locking down the facility until public safety response abates the threat.
3. Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the facility if possible. Secure money or computer equipment if time allows.
4. Activate an alarm for notifying other staff or an alarm company if the District engages one. A call contract would be included in the procedure to double-check for safety at the facility.
5. Upon sighting an armed intruder, an alert to all employees should be made by page, email, or radio.
6. Secure your work area or evacuate if safely possible. If you cannot evacuate, find a safe hiding place, and stay put until public safety personnel contact you.

7. Once outdoors, after an evacuation, proceed to the designated staging area to report in for identification. Inform public safety personnel of any information on the incident.
8. Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.
9. Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in the area you see directly. Do not confront or attempt to apprehend a violent perpetrator unless you are directly attacked for self-defense. Do not assume someone already called 911, call them immediately.

5010.8 **Post Event Actions.** Following the clear announcement of the ending of a violent or hostile person situation, contact public safety or supervisory personnel for instructions. Report any knowledge or first-hand observations or other knowledge of the incident. Contact your family and immediate friends so they will not take any actions to respond unnecessarily. Await direction as to return to work or other steps dependent on the level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

5010.9 An Emergency Response Coordinator shall evaluate and debrief any major incident and take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input is important via your supervisor. There may be the potential to lock down or close the facility from operating for some time for corrective steps. If deemed needed, seek direction on what actions you should take to assist in procedure.

5010.10 For more information about the District's emergency procedures, refer to the District's Emergency Response Plan, or ERP.

**POLICY TITLE: BUDGET PREPARATION**  
**POLICY NUMBER: 5030**

**EXHIBIT A 4**

5030.1 **Annual Budget.** An annual budget proposal shall be prepared by the Director of Finance & Administration or Designee, with final approval by the General Manager.

5030.2 **Finance Committee Input.** Before the Board of Directors' review, the Board's Finance & Audit Committee shall meet with the General Manager and Director of Finance & Administration or Designee to review the annual budget proposal.

5030.3 The proposed annual budget, as reviewed by the Finance & Audit Committee, shall be reviewed by the Board at a regular or special meeting in December or earlier of each year.

5030.4 **Board Review and Approval.** The proposed annual budget, as amended by the Board during its review, shall be adopted at a regular meeting or special meeting in December or earlier.

**POLICY TITLE: LACTATION ACCOMMODATION**  
**POLICY NUMBER: 3096**

**EXHIBIT B 5**

3096.1 The District recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their infant children when they return to work. This policy establishes guidelines for promoting a breastfeeding friendly work environment and supporting lactating employees.

3096.2 The District will provide an environment that will enable employees to express milk in a private, appropriate space. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, and access to electricity. Lactating employees will also be provided access to a sink with running water, and access to a refrigerator for storing breast milk. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, the use of the room for lactation takes priority over other uses. Restrooms are prohibited from being utilized for lactation purposes.

3096.3 An employee may request an accommodation for reasonable lactation breaks by informing Human Resources and the employee's supervisor. The supervisor and the employee will discuss an appropriate break schedule for lactation. The lactation break time will, if possible, run concurrently with the employee's regular paid break time already provided. Any time in excess of a normal lunch or paid break time will not be paid. The District will respond, in writing, if lactation space or additional break time, as described in this policy, cannot be provided.

3096.4 Harassment of and/or discrimination against lactating employees is prohibited. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work. Any harassment of and/or discrimination against a lactating employee should be immediately reported to Human Resources. Any incident of discrimination or harassment of a lactating employee will be addressed in accordance with Policy 2015 and in accordance with state law.

3096.5 Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

**POLICY TITLE: LEAVE FOR CRIME VICTIMS AND FAMILY MEMBERS**  
**POLICY NUMBER: 3111**

**EXHIBIT B 6**

3111.1 Pursuant to Labor Code section 230.2, an employee who is a victim of a crime, a member of a crime victim's immediate family (spouse, child, stepchild, sibling, stepsibling, parent, or stepparent), a registered domestic partner of the crime victim, or the child of a registered domestic partner of a crime victim shall be eligible for leave from work in order to attend judicial proceedings related to that crime.

3111.2 "Victim" means a person against whom one of the following crimes has been committed:  
a. A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code;  
b. A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code; or  
c. A felony provision of law proscribing theft or embezzlement.

3111.3 In order to be eligible for leave, the employee must provide a copy of the official notice provided to the victim of each scheduled proceeding to Human Resources. When advance notice is not feasible or an unscheduled absence occurs, the employee must, within a reasonable time after the absence, provide the District with documentation evidencing the judicial proceeding from any of the following entities:  
a. The court or government agency setting the hearing.  
b. The district attorney or prosecuting attorney's office.  
c. The victim/witness office that is advocating on behalf of the victim.

3111.4 An employee absent from work to attend a scheduled proceeding may elect to use accrued vacation leave, sick leave, other accrued paid time off, or unpaid leave time.

3111.5 If the court proceeding is completed before the end of the employee's regularly scheduled shift, the employee must report to work if requested by the supervisor.

3111.6 The District shall keep confidential any records regarding an employee's absence from work pursuant to this policy.